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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

| | | |
|--------------------------------------|---|---------------------------------|
| JONNI ISAAC, |) | Case No. CV-09-5071-FVS |
| |) | |
| Plaintiff, |) | COMPLAINT FOR VIOLATION |
| |) | OF FEDERAL FAIR DEBT |
| vs. |) | COLLECTION PRACTICES ACT |
| |) | AND INVASION OF PRIVACY |
| SUTTELL & ASSOCIATES, PS, |) | |
| |) | |
| Defendant. |) | |
| |) | |

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-5

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3 **II. JURISDICTION**

4 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

5 **III. PARTIES**
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7 3. Plaintiff, Jonni Isaac, is a natural person residing in the State of
8 Washington, County of Benton, and City of Kennewick.

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10 4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. §
11 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

12 5. At all relevant times herein, Defendant, Suttell & Associates, PS,
13 (“Defendant”) was a company engaged, by use of the mails and telephone, in the
14 business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C.
15 §1692a(5).
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18 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
19 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).
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21 **IV. FACTUAL ALLEGATIONS**

22 7. At various and multiple times prior to the filing of the instant complaint,
23 including within the one year preceding the filing of this complaint, Defendant
24 contacted Plaintiff in an attempt to collect an alleged outstanding debt.
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Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Distributing to Plaintiff a written communication which simulates or is falsely represented to be a document authorized, issued, or approved by a Court of Washington State and which creates a false impression as to its source (§ 1692e(9));
- b. Threatening to take an action against Plaintiff that cannot be legally taken or that was not actually intended to be taken, including threatening to instigate a lawsuit by serving a complaint in July, 2008, where a lawsuit was not actually filed until almost 1 year later, which is longer than the 90 days allowed under WA law (§ 1692e(5));
- c. Failing to provide Plaintiff with the notices required by 15 USC § 1692g, either in the initial communication with Plaintiff, or in writing within 5 days thereof, including failing to include the notice language required by 15 USC § 1692g in the "summons" sent to Plaintiff in July, 2008 (§ 1692g(a)).

8. As a result of Defendant's behavior, detailed above, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress.

COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

9. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct

1 violated the FDCPA;

2 B. Actual damages;

3 C. Statutory damages;

4 D. Costs and reasonable attorney's fees; and,

5 E. For such other and further relief as may be just and proper.

6 **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**

7 **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**

8 **CONSUMER PROTECTION ACT**

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11 10. Plaintiff reincorporates by reference all of the preceding paragraphs.

12 **PRAYER FOR RELIEF**

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14 WHEREFORE, Plaintiff respectfully prays that judgment be entered
15 against the Defendant for the following:

16 A. Actual damages;

17 B. Discretionary Treble Damages;

18 C. Costs and reasonable attorney's fees,

19 D. For such other and further relief as may be just and proper.

20
21 Respectfully submitted this 10th day of August, 2009.

22
23
24 s/Jon N. Robbins

25 Jon N. Robbins

26 WEISBERG & MEYERS, LLC

27 Attorney for Plaintiff